

APPENDIX XX

Serial No.: 09/955,064

Docket No.: 49933US031

Order Dismissing Appeal mailed from the U.S. Patent and Trademark Office on
July 31, 2003.

G.D. ALLEN
The opinion in support of the decision being entered today was not written
for publication in a law journal and is not binding precedent of the Board.
OFFICE OF INTELLECTUAL
PROPERTY COUNSEL

Paper No. 36

UNITED STATES PATENT AND TRADEMARK OFFICE
REFERRED TO

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY L. HOOPMAN and NELSON D. SEWALL

Appeal No. 2003-1578
Application 09/520,032

ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.

On July 1, 2003, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Appeal No. 2003-1578
Application 09/520,032

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.


BRUCE H. STONER, JR. Chief
Administrative Patent Judge


GARY V. HARKCOM, Vice Chief
Administrative Patent Judge


WILLIAM F. SMITH
Administrative Patent Judge

)
)
)
)
) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
)
)
)
)

BHS:gjh

Appeal No. 2003-1578
Application 09/520,032

3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL , MN 55133-3427